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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

NEVADA ROSE, LLC, a Nevada limited
liability company,

Plaintiff,

vs.

WORLDWIDE GLOBAL TRADING, INC.
d/b/a GLOBAL TRADING COMPANY, a
California corporation; DOES I through X and
ROE CORPORATIONS I through X,

Defendants.

Case No.: 2:10-cv-01938-JCM-PAL

**ORDER DENYING THIRD-PARTY
DEFENDANT PHILICON-97 S.A.
a/k/a PHILICON 97, LTD.'S
MOTION TO DISMISS**

Date of Hearing: 11/10/11

Time of Hearing: 10:30 a.m.

WORDWIDE GLOBAL TRADING, INC., a
California corporation,

Counterclaimant,

vs.

NEVADA ROSE, LLC, a Nevada limited
liability company,

Counter-Defendant.

NEVADA ROSE, LLC, a Nevada limited
liability company,

Third-Party Plaintiff,

vs.

PHILICON-97 S.A. a/k/a PHILICON 97 Ltd., a
Bulgarian corporation,

Third-Party Defendant.

1 Third Party Defendant Philicon -97 S.A. a/k/a Philicon 97 Ltd.'s ("Philicon") Motion to
2 Dismiss Third Party Claim for Lack of Jurisdiction or in the Alternative to Dismiss to Compel
3 Arbitration (the "Motion") (Doc. No. 25) came before this Court for hearing on November 10,
4 2011 at 10:30 a.m. Appearing on behalf of Philicon was James A. Kohl, Esq. of the law firm of
5 Howard & Howard Attorneys, PLLC. Appearing on behalf of Plaintiff/Counterdefendant/Third-
6 Party Plaintiff Nevada Rose, LLC ("Nevada Rose") were Todd L. Bice, Esq. and Christopher R.
7 Miltenberger, Esq. of the law firm of Pisanelli Bice, PLLC. Appearing on behalf of
8 Defendant/Counterclaimant Worldwide Glob Trading, Inc. d/b/a Global Trading Company
9 ("Global") was Daniel T. Foley, Esq. of the law firm of Foley & Foley.

10 Having considered Philicon's Motion, Nevada Rose's Opposition (Doc. No. 35), and
11 Philicon's Reply to Opposition (Doc. No. 37), the argument of counsel at the time of hearing, and
12 good cause appearing therefore, the Court finds as follows:

13 FINDINGS

14 Nevada Rose has met its burden of making a *prima facie* showing that this Court has
15 jurisdiction over Philicon. Philicon has solicited business from Nevada residents, directed its
16 sales to residents of the State of Nevada, sent samples of its products into the state, sent
17 representatives to foster relationships within the state, sold products to residents of Nevada,
18 derived revenue from Nevada residents, and formed contracts with Nevada residents. As such,
19 Philicon purposefully availed itself of the protections of Nevada and the privileges of doing
20 business in the State of Nevada.

21 Philicon's contacts with the State of Nevada led to the relationship between Philicon and
22 Nevada Rose giving rise to the facts and circumstances underlying this litigation. Moreover, the
23 allegations underlying the litigation relate directly to Philicon's sale of goods to Nevada Rose, a
24 Nevada resident. Nevada Rose has satisfied its burden of demonstrating that this Court may
25 properly exercise specific personal jurisdiction over Philicon.

26 Further, the allegations underlying the litigation as well as the claims set forth in Nevada
27 Rose's Third-Party Complaint do not arise out of the 2005 contract referenced in Philicon's
28

1 Motion. Accordingly, Nevada Rose's claims are not governed by the alternative dispute
2 resolution provision contained in the 2005 contract.

3 **ORDER**

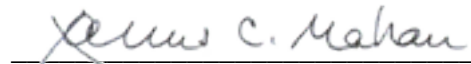
4 Based on the forgoing and good cause appearing therefore,

5 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Philicon's Motion to
6 Dismiss for Lack of Personal Jurisdiction is DENIED.

7 IT IS FURTHER ORDERED that Philicon's alternative Motion to Dismiss to Compel
8 Arbitration is DENIED.

9 IT IS SO ORDERED.

10 Dated this 22 day of November, 2011.

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13 HONORABLE JAMES A. MAHAN,
14 UNITED STATES DISTRICT JUDGE

15 Respectfully submitted by:

16 PISANELLI BICE PLLC

17 By: /s/ Christopher R. Miltenberger
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21 *Attorneys for Plaintiffs/Counterdefendants/
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23 Approved as to form by:

24 HOWARD & HOWARD ATTORNEYS, PLLC

25 By: [No Response By Submission Deadline]
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28 *Attorney for Third-Party Defendant Philicon 97-S.A.*

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1 and

2 FOLEY & OAKES, P.C.

3 By: /s/ Daniel T. Foley

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6 *Attorneys for Defendant/Counterclaimant*
7 *Worldwide Global Trading, Inc.*
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